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7 UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BRETT DURANT, On Behalf of Himself
11 and all other similarly situated,

12 Plaintiff,

13 v.

14 STATE FARM MUTUAL
15 AUTOMOBILE INSURANCE
16 COMPANY, a foreign automobile
17 insurance company,

18 Defendant.

Case No.: 2-15-CV-01710-RAJ

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING CLASS
DEFINITION**

19 **STIPULATION**

20 Plaintiff Brett Durant (“Plaintiff”) and Defendant State Farm Mutual Automobile
21 Insurance Company (“State Farm”), by and through counsel undersigned, hereby submit
22 this *Stipulation and [Proposed] Order Regarding Class Definition* with respect to the
23 following facts:

24 WHEREAS, on March 9, 2017, the Court issued its Order granting Plaintiff’s
Motion for Class Certification based on the class definition contained in Plaintiff’s
Complaint filed in this action;

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2 WHEREAS, on July 10, 2017, the Court issued its Order denying State Farm's
3 Motion for Reconsideration of the Court's Order granting class certification;

4 WHEREAS, in its July 10 Order, the Court instructed the parties to file a stipulation
5 containing any "agreed upon narrower language for the class definition" within 45 days
6 of the date of the July 10 Order; and

7 WHEREAS, the parties have met and conferred in response to the Court's
8 instruction;

9 The parties agree that the class definition should be narrowed to include only the
10 following members:

11 "State Farm insureds in the state of Washington who, from
12 April 19, 2008 to the present, had a Personal Injury Protection
13 (PIP) claim for medical or hospital benefits denied,
14 terminated or limited by State Farm Mutual Automobile
Insurance Company (State Farm) on the grounds that they had
reached Maximum Medical Improvement, using an
Explanation of Review form referencing Reason Codes
SF546 or SF537;" and

15 The parties further agree that State Farm does not waive, and expressly reserves,
16 its rights to contest and appeal any orders relating to class certification in this action.

17 IT IS SO STIPULATED.

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19 **ORDER**

20 Based on the Stipulation set forth above, and good cause appearing therefore,

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22 IT IS HEREBY ORDERED that the class definition set forth in the Complaint is
23 amended as follows:

24 State Farm insureds in the state of Washington who, from April 19,
2008 to the present, had a Personal Injury Protection (PIP) claim for

1 medical or hospital benefits denied, terminated or limited by State
2 Farm Mutual Automobile Insurance Company (State Farm) on the
3 grounds that they had reached Maximum Medical Improvement,
4 using an Explanation of Review form referencing Reason Codes
5 SF546 or SF537.

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7 DATED this the 30th day of August, 2017.
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The Honorable Richard A. Jones
United States District Judge